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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,243	04/12/2001	Jimmy A. Tatum	M40 26493-04 US	5859

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EXAMINER

LE, QUE TAN

ART UNIT PAPER NUMBER

2878

DATE MAILED: 01/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-9, drawn to an optical sensing system for detecting target motion in which the target characteristics are determined based on signals from the detector, the stored data and the signal from an analysis module, classified in class 250, subclass 221.
- II. Claims 10-14, drawn to a method for detecting the motion of an object or target in which the motion of the target or object is determined by comparing the characteristics of emitted laser signals with the characteristics of signals received by a detector, classified in class 250, subclass 221.

The inventions are distinct, each from the other because:

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case each of the inventions I and II can be practiced differently and/or can be used in a materially different process of using as stated above.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject

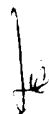
Art Unit 2878

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Que T. Le whose telephone number is (703) 308-4830.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


Que T Le
Primary Examiner
Art Unit 2878